

**REMARKS**

Claims 1-24 are pending in the application.

The Applicants respectfully request the Examiner to reconsider earlier rejections in light of the following remarks. No new issues are raised nor is further search required as a result of the changes made herein. Entry of the Amendment is respectfully requested.

**35 USC 112 First Paragraph Rejection of Claims 1-24**

The Office Action rejected claims 1-24 as allegedly failing to comply with the enablement requirement of 35 USC 112, first paragraph. In particular, the Office Action alleged that the specification allegedly fails to disclose "*how a calibration value is determined*" (See Office Action, page 3).

The previously recited "calibration data packet" throughout the claims is replaced herein with "test signal". Applicants disclose at page 5, lines 18-23 that a processor analyzes such values as, e.g., a noise measurement value, propagation delay value, and a bit rate error value, and determines whether any of those values are outside of an acceptable range. If any of the values are outside of an optimized range, the processor instructs a test signal generator to create a new test signal. The new test signal incrementally changes the transmission properties of a transceiver to try and improve communication properties between a first transceiver and a second transceiver.

Thus, Applicants sufficiently disclose how the recited calibration value is determined from the recited test signal. Accordingly, the Applicants respectfully request that the rejection of claims 1-24 under 35 USC 112, first paragraph be withdrawn.

**Claims 1, 3, 4, 6, 9, 11, 12, 14, 17, 19, 20 and 22 over Schober**

In the Office Action, claims 1, 3, 4, 6, 9, 11, 12, 14, 17, 19, 20 and 22 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,493,320 to Schober et al. ("Schober"). The Applicants respectfully traverse the rejection.

Claims 1, 3, 4, 6, 9, 11, 12, 14, 17, 19, 20 and 22 recite a system and method of optimizing a transfer of data between a first node and a second node based on at least one of available criteria comprising a noise measurement value, a propagation delay value and a bit rate error value.

Schober appears to disclose a method and apparatus to automatically initialize and tune a link in a network system (See Abstract). Measurements taken to tune the link in the network are listed as resistance (See Schober, col. 7, lines 7-35), clock frequency variation between a master and a slave (See Schober, col. 8, lines 47-67), DC level measurement (See Schober, col. 9, lines 43-60), a phase measurement (See Schober, col. 11, lines 16-37), AC current output (See Schober col. 11, lines 55-67) and a skew measurement (See Schober, col. 12, lines 19-26). The method and apparatus compensates for noises, power supply variations, temperature changes or other environmental changes that may effect the timing and amplitude of signals that propagate across the links (See Schober, col. 5, lines 60-65).

Thus, although Schober discloses a method and apparatus that compensates for various noises and ailments associated with links in a network system, Schober's criteria for tuning are resistance, clock frequency variation, DC level, phase measurement and skew measurement. Schober fails to disclose or suggest use of measured noise, measured propagation delay and calculated bit rate error for any reason, much less optimizing a transfer of data between a first node and a second node based on at least one of available criteria comprising a noise measurement value, a propagation delay value and a bit rate error value, as recited by claims 1, 3, 4, 6, 9, 11, 12, 14, 17, 19, 20 and 22.

A benefit of a system and method of optimizing a transfer of data between a first node and a second node based on at least one of available

criteria comprising a noise measurement value, a propagation delay value and a bit rate error value is, e.g., reduced propagation delays with minimal bit error. Noise, propagation delay and bit error are very important factors in such high demand applications as real-time voice and video transmissions. The cited prior art fails to take into consideration noise, propagation delay and bit error that can have a noticeable impact on time critical applications.

Accordingly, for at least all the above reasons, claims 1, 3, 4, 6, 9, 11, 12, 14, 17, 19, 20 and 22 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

**Claims 2, 5, 10, 13, 18 and 21 over Schober in view of KOSA**

In the Office Action, claims 2, 5, 10, 13, 18 and 21 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Schober in view of Knowledge of one of Ordinary Skill in the Art ("KOSA") at the time of the invention. The Applicants respectfully traverse the rejection.

Claims 2, 5, 10, 13, 18 and 21 are dependent on claims 1, 9 and 17 respectively, and are allowable for at least the same reasons as claims 1, 9 and 17.

Claims 2, 5, 10, 13, 18 and 21 recite a system and method of optimizing a transfer of data between a first node and a second node based on at least one of available criteria comprising a noise measurement value, a propagation delay value and a bit rate error value.

The Office Action relies on KOSA to allege that it was well known in the art at the time of the invention to centrally store data in memory with a corresponding identification (See Office Action, page 6). Thus, even taking the Office Action allegation that it was well known in the art at the time of the invention to centrally store data in memory with a corresponding identification (which the Examiner has failed to provide support for), Schober in view of KOSA would still fail to disclose or suggest a system and method of optimizing a transfer of data between a first node and a second node based on at least one of

available criteria comprising a noise measurement value, a propagation delay value and a bit rate error value, as recited by claims 2, 5, 10, 13, 18 and 21.

Accordingly, for at least all the above reasons, claims 2, 5, 10, 13, 18 and 21 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

### **Comments**

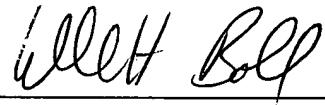
The Examiner argues that Stewart discloses calculation of a calibration value, i.e., speed, power level combination at col. 2, lines 32-35 based on a propagation delay value, i.e., transmission speed of a signal across a link at col. 2, line 54 (See Office Action, page 7).

The Examiner has withdrawn all rejections based on Stewart. The Examiner arguments are inconsistent with the Examiner's acknowledgement that Stewart is directed toward a system and method of deinterleaving functions associated with memory controllers for a television receiving system (See Abstract). As previously argued and the Examiner agrees, Stewart has NOTHING to do with tuning communications between two devices within a data network, and as such is NOT related to Schober in any way, i.e., is NOT related art as previously alleged.

**Conclusion**

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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